

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14963 of Dickie S. Carter, pursuant to 11 DCMR 3107.2, for a variance from the lot width requirements (Sub-section 401.3) for the proposed new construction of a single-family detached dwelling in an R-1-A District at premises 8175 East Beach Drive, N.W., (Square 2759, Lot 9).

HEARING DATE: January 11, 1989  
DECISION DATE: February 1, 1989

FINDINGS OF FACT:

1. The subject site is located on the east side of East Beach Drive between Sycamore Street and Red Budd Lane, N.W. and is known as premises 8175 East Beach Drive, N.W. (Square 2759, Lot 9). The site is zoned R-1-A.

2. The site is an irregular shaped lot with a curving street frontage of seventy-five feet and a lot area of 10,620 square feet. The northern side lot line is 159.37 feet and the southern side lot line is 151.11 feet. The rear or eastern lot line intersects at an angle with the side lot lines. The site has a severe drop in elevation of approximately thirty-eight feet from east to west. The site is unimproved with a wooded area on the higher elevations of the site. A fifteen foot building restriction line is located along the street frontage.

3. The area of the site is characterized by large single-family dwellings on large lots in the R-1-A District. Beach Parkway is located to the west of the site across East Beach Drive. Approximately three blocks northwest of the site is the boundary line between the District of Columbia and Montgomery County, Maryland. The northernmost boundary of Rock Creek Park lies four blocks to the south of the site at East Beach Drive and Kalmia Road, N.W. Sixteenth Street is approximately one-half mile to the east of the site.

4. The applicant is seeking variance relief from the lot width requirements of the R-1-A District under Section 401.3. The R-1-A District permits a matter-of-right development of single-family dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of seventy-five feet, a maximum lot occupancy of forty percent, and a maximum height of three stories and forty feet. The subject

lot has an average lot width of 68.2 feet requiring a variance of 6.8 feet or 9.06 percent.

5. Development of the site falls within the jurisdiction of the Fine Arts Commission.

6. The Board granted the same relief on July 19, 1976 under Application No. 12165. The Board's Order was allowed to lapse and the single-family dwelling was never constructed.

7. The applicant proposes to construct a detached single-family dwelling in compliance with the requirements of the R-1-A District. The dwelling will be two-stories in height and contain four bedrooms, 3½ baths and a basement level garage. The structure was proposed to measure approximately fifty-two feet in width and forty-one feet in depth. It was proposed to be set back from the front lot line approximately forty feet and provides a rear yard of approximately seventy-three feet and two eight foot side yards. The house is to be of wood framed construction with brick veneer.

8. At the public hearing, the applicant presented revised plans that reflected an overall reduction in the size of the proposed house and changes in the floor plans and facade design. The structure was reduced to a width of approximately forty-one feet and a depth of thirty-eight feet. In reducing the width of the structure, the side yards were increased. The side yard on the north side was increased to twelve feet and on the south side was increased to fifteen feet. The applicant stated the plans were revised to provide a greater side yard set back because of comments from neighbors made at a community meeting.

9. The applicant testified that the revised plans would result in a greater distance between the subject structure and the neighboring structures to the north and south. A distance of twenty-two feet will result between the subject structure and the structure immediately to the south. A distance of twenty-one feet will result between the subject structure and the structure immediately to the north.

10. The applicant stated that similar lots in the square have had single-family homes constructed on them. The applicant further stated other lots that are irregular in shape with an average lot width of less than seventy-five feet have been constructed upon.

11. The subject lot was created prior to the effective date of the current Zoning Regulations. The subject Lot 9 was created in March 22, 1957, along with existing lots 7, 8, 10, 11 and 12 in the subject square.

12. The Office of Planning (OP) by memorandum dated January 4, 1989, recommended approval of the application. The OP feels that the subject property can not be enlarged by adding additional land. Because of the unique shape of the lot, the owner is faced with a practical difficulty in the ability to construct the proposed dwelling because of existing lot constraints. The existing lot constraints deprive the owner of developing the property if compliance with the R-1-A District lot width requirements were strictly adhered to. The OP is of the opinion that the proposed structure will not negatively impact the surrounding dwellings or the neighborhood. The proposed dwelling will in no way impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board concurs with the recommendation of the OP.

13. Advisory Neighborhood Commission (ANC) 4A by letter received on January 4, 1989 recommended that the application be denied. The ANC raised the following issues and concerns:

- a. The proposed project would be incompatible with the architectural composition of existing dwellings in the neighborhood.
- b. The proposed project would adversely affect adjacent or nearby property by blocking the view to the park.
- c. The proposed project would add to the overbuilding in the area with attending negative impacts.

The Board does not agree with the views of the ANC-4A.

14. Councilmember Charlene Drew Jarvis who resides near the site, testified in opposition to the application along with the owner of 8177 East Beach Drive. Letters of opposition were received into the record from the owner of 8169 East Beach Drive and the Civic League of North Portal Estates. The basis of the opposition was the same as ANC-4A including the issue that the value of homes in the community are being driven far beyond the ability of many residents, particularly senior citizens, to pay property taxes.

15. The Board responds to the issues and concerns of the ANC and the opposition in the following:

- a. The Board finds the proposed dwelling to be compatible with existing homes in the community. The architectural design and materials are consistent with other homes in the area. The set back, size and scale of the proposed dwelling is compatible with nearby structures. The Board notes that the final determination of the design of the structure will be by the Fine Arts Commission.

- b. The proposed dwelling will not adversely affect adjacent or nearby property. The dwelling will not block any views of nearby neighbors of the park. Contiguous properties to the rear or east of the site are at a significantly higher elevation than that of the proposed dwelling. The dwelling as proposed will provide substantially greater rear and side yards than the Zoning Regulations require. The dwelling will not extend to a depth any greater than the immediate structures to the north and south.
- c. The development of the subject site will not create over-building in the neighborhood. The site was created prior to the present Zoning Regulations as a buildable lot. The proposed dwelling will meet all other zoning requirements of the R-1-A District. The variance relief needed is minor in nature and is due to the irregular shape of the lot.
- d. The Board has no authority or control over the determination of market value of homes in the community or the amount of property taxes individuals must pay. Other agencies of the District Government control the assessment and taxation of property. Such issues are not a proper basis for the Board to consider in variance cases.

16. No person or organization in support of the application appeared at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes the applicant is seeking a variance the basis of which the applicant must show substantial evidence of a practical difficulty upon the owner arising out of some exceptional or extraordinary condition of the property. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan. The Board concludes the applicant has met the requisite burden of proof.


The lot is irregular in shape and pre-dates the existing Zoning Regulations. The lot can not meet the seventy-five foot width requirement of the R-1-A District because of its irregular shape. The lot complies with the area requirements and the proposed dwelling complies with all other requirements of the R-1-A District. The dwelling is consistent in the size, shape and character as other structures in the square. The dwelling will not adversely affect nearby or adjoining properties due to light, air, property values or view.

The Board concludes the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Maybelle Taylor Bennett, Carrie L. Thornhill, William F. McIntosh and Charles R. Norris to grant; Paula L. Jewell abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14963order/LJP48

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14963

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAY 12 1980, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

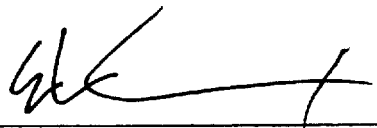
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Washington, D. C. 20011

  
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EDWARD L. CURRY  
Executive Director

DATE: MAY 12 1980